



INTERIOR BOARD OF INDIAN APPEALS

Louis Naranjo, Jr., et al. v. Albuquerque Area Director, Bureau of Indian Affairs

24 IBIA 32 (05/27/1993)

Denying reconsideration of:
23 IBIA 291

Related Board cases:
21 IBIA 178
28 IBIA 229



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

LOUIS NARANJO, JR., et al.,
Appellants

v.

ALBUQUERQUE AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Petition for
: Reconsideration
:
:
: Docket No. IBIA 92-203-A
:
:
: May 27, 1993

Appellants have filed a petition for reconsideration of the Board's April 14, 1993, decision in this appeal. See 23 IBIA 291.

Appellants contend that the Board improperly construed their appeal as a request to the Board to render a decision in the appeal. Rather, they state, they sought only an "acknowledgment of the fact that the 1958 Agreement [for governance of the Pueblo of San Ildefonso] has been rescinded and that there is no longer a formal tribal government of any kind at San Ildefonso, except to the extent each kiva has established a traditional government to oversee its own affairs.'" They continue: "Appellants sought simply an 'acknowledgment' by the Board of facts as they exist, not a 'determination' (as if the issue were open to dispute.)" Petition at 2. Unfortunately for appellants' view of things, the matters they consider "facts" were deemed "issues" by their adversaries, the Area Director and the Pueblo, both of whom vigorously disputed appellants' position.

Had the Board "acknowledged" appellants' position, that acknowledgment would have constituted a "determination," although presumably one more to appellants' liking. Appellants' real problem here, despite their unusual approach to the matter, is that they disagree with the Board's decision. Disagreement with a Board decision does not constitute "extraordinary circumstances" under 43 CFR 4.315(a), so as to warrant reconsideration by the Board. See, e.g., Keester v. Acting Aberdeen Area Director, 21 IBIA 133 (1991), and cases cited therein. Appellants have not shown that such extraordinary circumstances are present.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellants' petition for reconsideration is denied.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge